

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 05-1849 JH

DANA JARVIS, et al.,

Defendants.

**DEFENDANT TRUJILLO'S UNOPPOSED MOTION FOR LEAVE TO FILE
STIPULATION FOR SUBSTITUTION OF PROPERTY SUBJECT TO FORFEITURE**

____ Defendant Russell Trujillo through counsel Penni Adrian respectfully moves this Court to Grant him leave to File a Stipulation for Substitution of Property Subject to Forfeiture. As grounds he states:

1. The defendant and the United States have agreed that an empty, but improved acre of land owned by defendant has an equity value equal to the equity position defendant holds in the property on which his family home is situated.
2. The home is named and legally described in the forfeiture count of the Superseding Indictment herein, and is the security for defendant's bond with this Court.
3. To adequately provided for defendant's wife and five children, defendant's father proposes to purchase the home and land on which it is situated and place it in a family trust.
4. To accomplish such transfer, the home and land on which it is situated must be free and clear of the forfeiture claim, bond restrictions, and lis pendens.
5. The United States agrees that the substitution of the vacant land upon which there is no encumbrance provides adequate value for purposes of both the bond and the forfeiture count, and that the substitution of that property for the home named in the Superseding Indictment is in the interest of justice.

6. Assistant United States Attorney Steve Kotz does not oppose this Motion.

Wherefore Defendant respectfully moves this Court to Grant him leave to file a Stipulation for Substitution of Property Subject to Forfeiture, executed by the parties and counsel herein.

Respectfully Submitted,

Electronically Filed
Penni Adrian
Counsel for Russell Trujillo
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I hereby certify a true copy of the foregoing Defendant Trujillo's Unopposed Motion for Leave To File Stipulation for Substitution of Property Subject to Forfeiture was electronically served upon Assistant United States Attorney Steve Kotz this 25th day of August 2006.

Electronically Filed
Penni Adrian